

1 HONORABLE RICHARD A. JONES
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13 UNITED STATES DISTRICT COURT
14 WESTERN DISTRICT OF WASHINGTON
15 AT SEATTLE
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18 SPENCER ALPERT,
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20 Plaintiff,

21 v.
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23 NATIONSTAR MORTGAGE LLC,
24 et al.,
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26 Defendants.
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CASE NO. C15-1164 RAJ
ORDER

This matter comes before the Court on Plaintiff's Motion to Extend Deadline to Provide Written Reports. Dkt. # 67. Defendants American Security Insurance Company (ASIC), Standard Guaranty Insurance Company (SGIC), Nationstar Mortgage LLC ("Nationstar"), and Harwood Service Company ("Harward") (collectively "Defendants") oppose the motion. Dkt. ## 69, 70.

"A schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "Mere failure to complete discovery within the time allowed does not constitute good cause for an extension or continuance." W.D. Wash. Local Rules LCR 16(b)(5). The Court ordered the parties to disclose expert witnesses and their reports by November 30, 2017. Dkt. # 62. The parties then stipulated to extend this

1 deadline to December 7, 2017. Dkt. # 66. On the day of the deadline, Plaintiff moved
2 this Court for a last minute extension, stating that an expert witness had only just
3 informed counsel that his report would not address the expected subject matter and would
4 not be submitted by the deadline. Dkt. # 67 at 2. Plaintiff eventually submitted
5 incomplete expert witness reports to Defendants on December 8 and 14, 2017. Dkt. # 70
6 at 3. Therefore, Defendants just barely had the benefit of the reports in time for
7 Plaintiff's deposition on December 14, 2017. *Id.* at 2.

8 Plaintiff had sufficient time to secure proper expert witnesses who would be
9 capable of addressing the full subject matter in this litigation. However, Plaintiff
10 contends that there were budgetary obstacles and rather extreme health issues that
11 prevented such efficiency. Dkt. # 72 at 3-4. Moreover, he argues that Defendants were
12 not prejudiced in that they ultimately had the benefit of the reports in time for Plaintiff's
13 deposition. Dkt. # 72 at 5.

14 The Court finds that this situation falls within the margins of good cause and
15 therefore **GRANTS** Plaintiff's motion for extension to the extent that the reports he
16 already submitted may remain in the record. The Court will not afford Plaintiff
17 additional time to prepare expert reports and will not accept any additional or modified
18 expert reports. Moreover, if Defendants find that an additional deposition is necessary to
19 account for the fact that they received the final expert report on the day of the prior
20 deposition, the Court **GRANTS** Defendants this opportunity and orders Plaintiff to cover
21 all costs of this deposition.

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1 Plaintiff's counsel is cautioned that future delays will not be tolerated by this
2 Court. The Court expects Plaintiff and his counsel to fully comply with the Court's
3 Scheduling Order as well as all rules of discovery or suffer consequences including
4 sanctions and exclusion.

5 Dated this 5th day of February, 2018.

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9 The Honorable Richard A. Jones
10 United States District Judge
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